

Revised Funding Commitment Decision Letter

Funding Year 2018

Contact Information:

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BEN: 16056135**Post Commitment Wave:** 7

Totals

| | |
|----------------------------------|-------------------|
| Original Commitment Amount | \$2,580.00 |
| Revised Commitment Amount | \$2,580.00 |

What is in this letter?

Thank you for submitting your post-commitment request for Funding Year 2018 Schools and Libraries Program (E-rate) funding. Attached to this letter, you will find the revised funding statuses and/or post commitment changes to the original Funding Commitment Decision Letter (FCDL) you received. Below are the changes that were made:

- Appeals

The Universal Service Administrative Company (USAC) is providing this information to both the applicant(s) and the service provider(s) so that all parties are aware of the post-commitment changes related to their funding requests and can work together to complete the funding process for these requests.

Next Steps

1. **File the FCC Form 486**, Service Confirmation and Children's Internet Protection Act (CIPA) Certification Form, for any FRNs included in this RFCDL, if you have not already done so. Please review the CIPA requirements and file the form(s).



BEN Name: GOETHE INTERNATIONAL CHARTER SCHOOL

BEN: 16056135

Post Commitment Wave: 7

- o **If USAC approved funding on an FRN in your original FCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of the original FCDL or from the service start date (whichever is later).
 - o **If a new FRN was created for this RFCDL or funding was not approved on an FRN in your original FCDL but is approved in this RFCDL**, the deadline to submit the FCC Form 486 is 120 days from the date of this RFCDL or from the service start date (whichever is later).
2. **Invoice USAC**, if you or your service provider have not already done so. Work with your service provider(s) to determine if your bills will be discounted or if you will request reimbursement from USAC after paying your bills in full.
- **If you (the applicant) are invoicing USAC:** You must pay your service provider(s) the full cost for the services you receive and file the [FCC Form 472](#), the Billed Entity Applicant Reimbursement (BEAR) Form, to invoice USAC for reimbursement of the discounted amount.
 - **If your service provider(s) is invoicing USAC:** The service provider(s) must provide services, bill the applicant for the non-discounted share, and file the [FCC Form 474](#), the Service Provider Invoice (SPI) form, to invoice USAC for reimbursement for the discounted portion of costs. Every funding year, service providers must file an [FCC Form 473](#), the Service Provider Annual Certification Form, to be able to submit invoices and to receive disbursements.
 - **To receive an invoice deadline extension, the applicant or service provider** must request an extension on or before the last date to invoice. **If you anticipate, for any reason, that invoices cannot be filed on time**, USAC will grant a one-time, 120-day invoice deadline extension if timely requested.

How to Appeal or Request a Waiver of a Decision

You can appeal or request a waiver of a decision in this letter **within 60 calendar days** of the date of this letter. Failure to meet this deadline will result in an automatic dismissal of your appeal or waiver request.

Note: The Federal Communications Commission (FCC) will not accept appeals of USAC decisions that have not first been appealed to USAC. However, if you are seeking a waiver of E-rate program rules, you must submit your request to the FCC and not to USAC. USAC is not able to waive the E-rate program rules.

- **To submit your appeal to USAC**, visit the Appeals section in the [E-rate Productivity Center \(EPC\)](#) and provide the required information. USAC will reply to your appeal submissions to confirm receipt. Visit USAC's [website](#) for additional information on submitting an appeal to USAC, including step-by-step instructions.
- **To request a waiver of the FCC's rules or appeal USAC's appeal decision**, please submit it to the FCC in proceeding number CC Docket No. 02-6 using the [Electronic Comment Filing System](#) (ECFS). Include your contact information, a statement that your filing is a waiver request,



BEN Name: GOETHE INTERNATIONAL CHARTER SCHOOL

BEN: 16056135

Post Commitment Wave: 7

identifying information, the FCC rule(s) for which you are seeking a waiver, a full description of the relevant facts that you believe support your waiver request and any related relief, and any supporting documentation.

For appeals to USAC or to the FCC, be sure to keep a copy of your entire appeal, including any correspondence and documentation, and provide a copy to the affected service provider(s).

Obligation to Pay Non-Discount Portion

Applicants are required to pay the non-discount portion of the cost of the eligible products and/or services to their service providers. Service providers are required to bill applicants for the non-discount portion of costs for the eligible products and/or services. The FCC stated that requiring applicants to pay the non-discounted share of costs ensures efficiency and accountability in the program. If using the BEAR invoicing method, the applicant must pay the service provider in full (the non-discount plus discount portion) **before** seeking reimbursement from USAC. If using the SPI invoicing method, the service provider must first bill the applicant **before** invoicing USAC.

Notice on Rules and Funds Availability

The applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program and the FCC's rules. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds.



BEN Name: GOETHE INTERNATIONAL CHARTER SCHOOL

BEN: 16056135

Post Commitment Wave: 7

Revised Funding Commitment Decision Overview

Funding Year 2018

| Funding Request Number (FRN) | Service Provider Name | Request Type | Revised Committed | Review Status |
|------------------------------|--------------------------------|--------------|-------------------|---------------|
| 1899000989 | Time Warner Cable Business LLC | Appeals | \$2,580.00 | Denied |



BEN Name: GOETHE INTERNATIONAL CHARTER SCHOOL

BEN: 16056135

Post Commitment Wave: 7

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|--|---|--|
| Post Commitment Request Number: 104626 | Post Commitment Request Type: Appeals | Post Commitment Decision: Denied |
|--|---|--|

| | | | |
|--------------------------------|--|-----------------------------------|----------------------------------|
| FRN: 1899000989 | Service Type: Data Transmission and/or Internet Access | Original Status: Funded | Revised Status: Funded |
| FCC Form 471: 181000771 | | | |

| Dollars Committed | | | |
|----------------------------------|------------|---------------------------------|--------|
| Monthly Cost | | One-Time Cost | |
| Months of Service | 12 | | |
| Total Eligible Recurring Charges | \$5,160.00 | Total Eligible One Time Charges | \$0.00 |
| Total Pre-Discount Charges | | \$5,160.00 | |
| Discount Rate | | 50.00% | |
| Revised Committed Amount | | \$2,580.00 | |

| Dates | |
|----------------------------------|-----------|
| Service Start Date | 7/1/2018 |
| Contract Expiration Date | 6/30/2022 |
| Contract Award Date | 5/8/2017 |
| Service Delivery Deadline | 6/30/2019 |
| Expiration Date (All Extensions) | |

| Service Provider and Contract Information | |
|---|--------------------------------|
| Service Provider | Time Warner Cable Business LLC |
| SPIN (498ID) | 143048275 |
| Contract Number | |
| Account Number | |
| Establishing FCC Form 470 | 170079472 |

| Consultant Information | |
|------------------------|--|
| Consultant Name | Robert Beck |
| Consultant's Employer | Educational Consortium for Telecom Savings |
| CRN | 16024807 |

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| Revised Funding Commitment Decision Comments: |
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| Post Commitment Rationale: |
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The changes requested with your Receipt Acknowledgement letter was not implemented because your request for changes was received after the associated FCC Form 471 181000771 was committed and as such could not be processed. In your appeal, you did not show that USAC's determination was incorrect. Consequently, your appeal is denied. The FCC's Bishop Perry Order directed USAC to provide all E-rate applicants with an opportunity to correct ministerial and clerical errors on their FCC Form 470 or FCC Form 471, and an additional opportunity to file the required certifications without posting new FCC Forms 470 and 471. See Request for Review of the Decision of the Universal Service Administrator by Bishop Perry Middle School, New Orleans, Louisiana, et al., Schools and



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Libraries Universal Service Mechanism, File Nos. SLD-487170, et al., CC Docket No. 02-6, Order, 21 FCC Rcd 5316-5317, FCC 06-54 para. 23 (May 19, 2006) (Bishop Perry Order). As a result, USAC sends an applicant a Receipt Acknowledgement Letter (RAL) when the FCC Form 471 has been successfully data entered and provides the applicant with an opportunity to make allowable corrections to its FCC Form 471. See Ministerial & Clerical Errors posted in the Reference Area of the SLD section of the USAC website. Per the FCC's directive, applicants should be allowed to amend their forms to correct clerical and ministerial errors until a Funding Commitment Decision Letter (FCDL) is issued. Such errors include only the kinds of errors that a typist might make when entering data from one list to another, such as mistyping a number, using the wrong name or phone number, failing to enter an item from the source list onto the application, or making an arithmetic error. See Schools and Libraries Universal Service Support Mechanism, CC Docket No. 02-6, Order, FCC 11-60 para. 5 (rel. April 14, 2011). Additional correctable errors can be found in the FCC Order DA 10-2354. See Requests for Waiver and Review of Decisions of the Universal Service Administrator by Ann Arbor Public Schools, Ann Arbor, Michigan, et al., Schools and Libraries Universal Service Support Mechanism, File Nos. SLD-542873, et al., CC Docket No. 02-6, Order, DA 10-2354 para. 2 (rel. December 16, 2010). An applicant's request to remove entities from its application, when such removal would raise the average discount percentage for the relevant funding request above the funding threshold for that year, is not justifiable as a ministerial or clerical error. See Request for Waiver and Review of Decisions of the Universal Service Administrator by Alexander County School District, Taylorsville, North Carolina, et al., Schools and Libraries Universal Service Support Mechanism, File No. SLD-827833 et al., CC Docket No. 02-6, Order, DA 13-1383 para. 2 (rel. June 14, 2013).